

Appl. No. : 10/559,647
Filed : December 2, 2005

REMARKS

Following entry of the amendments submitted herewith, claims 1-3, 6, 8-11, 17, 50, and 52-66 will be pending. Claims 1, 3, 6, 8-11, and 50 are currently amended. Claims 2, 4-5, 7, 12-16, 18-49, and 51 are canceled. Applicants reserve the right to pursue the subject matter of the canceled claims in this or any other patent application.

As detailed below, Applicants have amended claims 1, 3, 6, 8-11 and 50, and introduced claims 52-66. Applicants assert that the amendments and newly introduced claims are fully supported throughout the specification as filed, including the claims, and therefore the amendments do not constitute new matter.

Support for 'antisense' compound recited in the currently amended claims is found throughout the specification, for example, at page 11. Support for % complementarity recited in amended claim 1 and newly introduced claims 54, 55, 57, 64, and 65 is found, for example, at page 10. Support for new claim 52 is found, for example, at page 15. Support for new claims 56, 57, 58, 59, and 66 is found, for example, at pages 46-47 and at page 127. Support for new claims 60, 62 and 63 is found, for example, at page 127 and in the claims as originally filed. Support for new claim 61 is found, for example, at page 39.

Reconsideration of the pending claims in view of the amendments and comments presented herein is respectfully requested.

The Examiner asserts that the claims should be divided into the following groups:

Group I: Claim 1-11, 17, and 50, drawn to a compound targeted to a nucleic acid molecule encoding apolipoprotein(a), wherein the compound is at least 80% complementary to nucleotides 12380-13493 of SEQ ID NO: 4.

Group II: Claims 26, 32, and 33, drawn to a method of inhibiting the expression of apolipoprotein(a) and a method of treating an animal having a disease or condition associated with apolipoprotein(a) via introduction of the compound of claim 1.

The Examiner further asserts that election of a single sequence from claim 50 is necessary, if Group I is elected. If Group II is elected, the Examiner asserts that a further species election of a single disease or condition from claim 33 is required.

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Applicants elect the claims of Group I without traverse. Applicants further provisionally elect SEQ ID NO: 87 from claim 50, with traverse. In view of the amendments submitted herewith, Applicants believe that Group I currently encompasses claims 1-3, 6, 8-11, 17, 50, and 52-66.

The Examiner asserts that the sequences recited in claim 50 do not share, one with another, a common core structure, and as such unity of invention between the antisense sequences is lacking and each sequence claimed is considered to constitute a special technical feature. Because SEQ ID NOs 87 and 88, which are both 20-mers, share 9 contiguous nucleobases, Applicants submit that SEQ ID NOs 87 and 88 do share a common core structure, and that unity of invention does indeed exist between SEQ ID NOs 87 and 88. Accordingly, Applicant request that both SEQ ID NOs 87 and 88 be examined within the elected Group I claims.

CONCLUSION

Applicants believe that the foregoing comprises a full and complete reply to the outstanding Office Action of record. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is invited to contact the undersigned at the telephone number provided below in order to expedite the resolution of such issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 50-0252.

Respectfully submitted,

Dated: April 11, 2007

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